

Summons in a Civil Action (Rev 11/97)

# United States District Court

SOUTHERN DISTRICT OF CALIFORNIA

Margarita Rodriguez and  
Maria White *Plaintiff*

vs

United States of America and  
Does 1 through 20, inclusive.  
*Defendant*

SUMMONS IN A CIVIL ACTION

Case No.

08 CV 1116 WQH LSP

TO: (Name and Address of Defendant)

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and serve upon PLAINTIFF'S ATTORNEY

JAMES F. SEXTON, ESQ. SB 149632  
THE SEXTON LAW FIRM  
3130 BONITA ROAD, SUITE 104  
CHULA VISTA, CA 91910

An answer to the complaint which is herewith served upon you, within 60 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

W. Samuel Harbrick, Jr.

CLERK

JUN 23 2008

DATE

By

K. HAMMERLY

, Deputy Clerk

Summons in a Civil Action

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<b>RETURN OF SERVICE</b>			
Service of the Summons and Complaint was made by me		DATE	
NAME OF SERVER		TITLE	
Check one box below to indicate appropriate method of service			
<div style="display: flex; flex-direction: column; gap: 10px;"> <div> <input type="checkbox"/> Served personally upon the defendant. Place where served: _____         </div> <div> <input type="checkbox"/> Left copies thereof at the defendant's dwelling, house or usual place of abode with a person of suitable age and discretion then residing therein:             Name of person with whom the summons and complaint were left: _____         </div> <div> <input type="checkbox"/> Return unexecuted: _____         </div> <div> <input type="checkbox"/> Other (specify): _____         </div> </div>			
<b>STATEMENT OF SERVICE FEES</b>			
TRAVEL		SERVICES	TOTAL \$0.00
<p style="text-align: center;"><b>DECLARATION OF SERVER</b></p> <p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service is true and correct.</p> <p>Executed on:</p> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 30%;">Date</div> <div style="width: 30%;">Signature of Server</div> </div> <div style="margin-top: 10px;">Address of Server</div>			
<p style="text-align: center;"><b><u>NOTICE OF RIGHT TO CONSENT TO TRIAL BY A UNITED STATES MAGISTRATE</u></b></p> <p>IN ACCORDANCE WITH THE PROVISION OF 28 USC 636(C) YOU ARE HEREBY NOTIFIED THAT A U.S. MAGISTRATE OF THIS DISTRICT MAY, UPON CONSENT OF ALL PARTIES, CONDUCT ANY OR ALL PROCEEDINGS, INCLUDING A JURY OR NON-JURY TRIAL, AND ORDER THE ENTRY OF A FINAL JUDGMENT. <u>COUNSEL FOR THE PLAINTIFF HAS RECEIVED A CONSENT FORM.</u></p> <p>YOU SHOULD BE AWARE THAT YOUR DECISION TO CONSENT OR NOT CONSENT IS ENTIRELY VOLUNTARY AND SHOULD BE COMMUNICATED SOLELY TO THE CLERK OF COURT. ONLY IF ALL PARTIES CONSENT WILL THE JUDGE OR MAGISTRATE TO WHOM THE CASE HAS BEEN ASSIGNED BE INFORMED OF YOUR DECISION.</p> <p>JUDGEMENTS OF THE U.S. MAGISTRATES ARE APPEALABLE TO THE U.S. COURT OF APPEALS IN ACCORDANCE WITH THIS STATUTE AND THE FEDERAL RULES OF APPELLATE PROCEDURE.</p>			

1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address) <b>The Sexton Law Firm</b> <b>James F. Sexton, Esq., 149. 2</b> <b>3130 Bonita Road, #104</b> <b>Chula Vista, CA 91910</b>		TELEPHONE NO.: (619) 478-1941		FOR COURT USE ONLY Case 3:08-cv-01116-WQH-LSP Document 5 Filed 08/26/2008 Page 3 of 3	
ATTORNEY FOR (Name): <b>Margarita Rodriguez &amp; Maria White</b>		Ref. No. or File No.			
Insert name of court, judicial district or branch court, if any: <b>UNITED STATES DISTRICT COURT</b> <b>940 FRONT ST. ROOM 1160</b> <b>SAN DIEGO, CA 921018900</b>					
PLAINTIFF: <b>Margarita Rodriguez and Maria White</b>					
DEFENDANT: <b>United States of America</b>					
<b>PROOF OF SERVICE</b>		DATE:		TIME:	
				DEPT/DIV:	
				CASE NUMBER: <b>08' CV 1116 WQH LSP</b>	

### UNITED STATES DISTRICT COURT DECLARATION OF SERVICE

I, THE UNDERSIGNED, DECLARE UNDER PENALTY OF PERJURY THAT I WAS ON THE DATE HEREIN REFERRED TO OVER THE AGE OF 18 YEARS AND NOT A PARTY TO THE WITHIN ENTITLED ACTION. I SERVED THE:

**Civil Case Cover Sheet; Summons in a Civil Action; Complaint for Damages (Negligence and Fraud and Deceit); Demand for Jury Trial**

ON: **United States of America**

AT: **101 West Broadway, Ste. 1500**  
**San Diego, CA 92101**

IN THE ABOVE MENTIONED ACTION BY DELIVERING TO AND LEAVING WITH:  
**Mary Wiggins - Authorized to Accept service**

ON: **07/01/2008**

AT: **09:07 am**

**Manner of service** in compliance with Federal Code of Civil Procedure.

Fee for Service: **40.00**

County: **San Diego**

Registration No.: **959**



**E.S.Q. Services, Inc.**

**2121 Fifth Avenue, Suite 203**

**San Diego, CA 92101**

**(619) 296-0120**

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the return of service and statement of service fees is true and correct and that this declaration was executed on **July 17, 2008**.

Signature: \_\_\_\_\_

**Joseph Boyle**

**PROOF OF SERVICE**